

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matters of)	
)	
Telecommunications Relay Services)	CG Docket No. 03-123
and Speech-to-Speech Services for)	
Individuals with Hearing and)	
Speech Disabilities)	
)	
Structure and Practices of the)	CG Docket No. 10-51
Video Relay Service Program)	

SORENSEN REPLY COMMENTS TO PETITION FOR RECONSIDERATION

Sorenson respectfully submits these reply comments in support of its Petition for Reconsideration of the *Waiver Order*¹ granting VTCSecure access to the telecommunications relay service Numbering Directory (“Directory”).² While Sorenson supports the responsible use of dedicated numbers for point-to-point calls and greater choice for deaf consumers, the *Waiver Order* does not adequately effectuate these goals. Rather, without additional safeguards, the Bureaus’ ruling could preclude consumers from using Video Relay Services (“VRS”) and force them to use only direct video calling (“DVC”) to reach customer support services. It also (inadvertently, we believe) permits VTCSecure to insert itself as a gatekeeper for calls to any number it places in the Directory, even for consumers who do not wish to use VTCSecure’s services. This is surely not a consequence that the Bureaus intended.

¹ *Telecomms. Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities; Structure & Practices of the Video Relay Serv. Program*, Order and Declaratory Ruling, DA 17-86, 32 FCC Rcd. 775 (Cons. & Gov’t Affs. & Wireline Comp. Burs. 2017) (“*Waiver Order*” or “*Order*”).

² Petition for Reconsideration, CG Docket Nos. 03-123, 10-51 (filed Feb. 16, 2017) (“Sorenson Petition for Reconsideration”).

The *Waiver Order* fails to consider the security, reliability, and privacy consequences of its decision. In addition to reconsidering the Bureau's decision and ensuring that no VRS users are left without the ability to reach customer services or other general use lines using VRS, Sorenson strongly suggests that in the Draft FNPRM tentatively scheduled to be considered at the Commission's March 23, 2017 Open Meeting, the Commission expand the questions to seek comment specifically on appropriate security, reliability, and privacy requirements for providers of DVC services. The published Draft FNPRM is currently is silent with respect to these important consumer and network protection issues.³

I. VRS CUSTOMERS MUST NOT BE FORCIBLY DIVERTED TO ASL-QUALIFIED CUSTOMER SERVICE REPRESENTATIVES

Although Sorenson recognizes the benefits of direct sign language customer support services and supports the inclusion of such numbers in the Directory, subject to appropriate safeguards, Sorenson also believes that VRS consumers should have the option of choosing to use either that service *or* traditional VRS. As it stands, the Order does not limit VTCSecure to placing in the Numbering Directory only numbers that are uniquely assigned for purposes of DVC communication. As a result, VTCSecure can—and intends to—place the general customer service (or other voice telephone) numbers of its customers into the Directory, thus causing every VRS call placed to those numbers to be routed through VTCSecure rather than through VRS. At a minimum, VTCSecure should be required to place in the Directory only telephone numbers that are *separate and distinct* from its customers' general customer service or other voice telephone numbers, so that VRS users who wish to reach that number using VRS continue

³ See *Structure & Practices of the Video Relay Serv. Program; Telecomms. Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities*, CG Docket Nos. 10-51, 03-123, FCC-CIRC1703-03, ¶¶ 115-16 ("Draft FNPRM").

to have that option without any change occasioned by the *Order*.⁴ This is how text telephone services, or TTY, works—deaf consumers dial a separate number if they prefer to reach the called party’s dedicated TTY line. Otherwise, the deaf consumer can use TTY to reach a relay provider to call the called party’s voice-based customer service number.

The Bureaus note that VTCSecure’s proposal “does not contemplate being a mandatory service and TRS customers will continue to have access to all VRS provider services.”⁵ It is true that VTCSecure’s filings discuss the possibility of call distribution platforms and indicate that VTCSecure can provide such options.⁶ However nothing in the *Order specifically requires* VTCSecure to offer callers the option to use VRS, and as such, VTCSecure has no obligation to do so.

Eliminating VRS calling as an option is an unacceptable outcome. As the VRS providers explained in the proceeding below, DVC customer support services present unique challenges for deaf users.⁷ First, DVC customer support services complicate VRS users’ ability to escalate issues to one or more supervisors. VTCSecure notes that DVC allows customer service representatives to bridge supervisors onto a call if necessary, but VTCSecure acknowledges that a VRS interpreter may be needed, as the appropriate supervisor might not be ASL-capable.⁸

⁴ Sorenson Petition for Reconsideration at 2.

⁵ *Waiver Order* ¶ 12.

⁶ See Reply Comments of VTCSecure at 15, CG Docket Nos. 03-123, 10-51, WC Docket No. 10-191 (filed Sept. 1, 2016) (“VTCSecure Reply Comments”); Response to Sorenson Communications Petition for Reconsideration at 2-3, CG Docket Nos. 03-123, 10-51 (filed Feb. 21, 2017) (“VTCSecure Response to Petition for Reconsideration”).

⁷ See Response of the VRS Providers to VTCSecure’s Petition for Waiver and Request for Declaratory Ruling at 10-11, Docket Nos. 03-123, 10-51 (filed Aug. 17, 2016) (“VRS Provider Comments”).

⁸ See VTCSecure Reply Comments at 16.

With a VRS call, users would be able to communicate directly with any number of necessary personnel to have their questions answered and would not need to go through the intermediate step of bridging on supervisors and securing an interpreter after the fact, which would take extra time. This delay could contribute to significantly longer hold times. In addition, limited available ASL-qualified customer service personnel could cause excessive queuing and concentrate consumers' personal interactions in a small pool of customer service representatives.

Second, while DVC can have some advantages in terms of familiarity with the vocabulary for a particular setting, a VRS consumer should have alternatives in case the quality of the sign language at the called party is subpar. Unlike VRS interpreters, who are subject to certain quality standards under federal law,⁹ individual ASL-capable customer service representatives do not have to comply with a similar set of quality standards. Nor would a DVC user necessarily be able to choose among different representatives. A VRS user who is dissatisfied with one VRS provider's interpreters can ask the VRS provider to change interpreters, or even place the call using a different VRS provider if he or she so chooses.¹⁰ With DVC, the user would be forced to interface with the specific ASL-capable representatives—if there is even more than one—regardless of the quality of the sign language. Finally, DVC services decrease functionality for hearing-impaired callers who use voice-carryover services. If those callers are forced to connect to a (potentially deaf) ASL-using customer service

⁹ See 47 C.F.R. § 64.604.

¹⁰ See *Structure & Practices of the Video Relay Serv. Program; Telecomms. Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-82, 28 FCC Rcd. 8618, 8689 ¶ 177 (2013) (“VRS providers compete for users primarily on the basis of quality of service, including the quality of their VRS [interpreters]; a user dissatisfied with the quality of a given provider's VRS [interpreters] can switch to another provider on a per call or permanent basis.”).

representative, they may not have the option to speak aloud to that representative as would be the case with VRS with voice-carryover.

Sorenson supports the ability of VRS users to take advantage of DVC services through point-to-point calling *if* they choose to do so. But deaf and hearing- and speech-impaired consumers have legitimate reasons to prefer placing a VRS call to customer service over communicating via a point-to-point call with an ASL-capable representative. More fundamentally, it is inherently discriminatory and unfair to mandate that these consumers use a separate hotline from hearing customers. Indeed, automatically routing all calls from deaf consumers to the separate DVC customer support service is akin to forcing all Spanish speakers to call only Spanish-speaking customer service lines—it presumes that all persons with a particular characteristic must prefer a certain mode of communication. Even if deaf consumers prefer DVC customer support services, they should be able to choose whether to use those services or place a VRS call. The decision should not be made for them merely because they are deaf or hearing- or speech-impaired.

II. VTCSECURE’S GATEKEEPER SOLUTION WOULD BURDEN VRS USERS AND DECREASE ACCESS TO CUSTOMER SUPPORT SERVICES

The Commission should not leave the door open for VTCSecure to deny deaf consumers a complete slate of choices for placing customer service calls. But the problems with mandatory DVC aside, VTCSecure’s suggestions for *how* it would provide the VRS option to deaf consumers raise other concerns.

VTCSecure suggests that it could offer callers the ability to “press 1 for DVC, press 2 for VRS” using an interactive response system.¹¹ This would turn VTCSecure into a gatekeeper for all calls from VRS customers to key enterprises and government agencies, rather than presenting two truly separate choices. All VRS customers—even those wanting to place a VRS call rather than a DVC call—would be dependent on the reliability of VTCSecure’s system. If its service goes down, consumers would not be able to reach critical government agencies and private companies’ customer service (or other voice telephone) lines via either DVC *or* VRS so long as VTCSecure had placed that ten digit number in the iTRS Numbering Directory. VRS users—just like hearing users—have time-sensitive reasons to call customer service. They could be reporting outages to their utilities; pursuing pre-approval for an urgent procedure from a health insurer; resolving a problem with financial benefits from a government agency; or reporting work emergencies, such as injuries or fatalities on the job.¹² By giving VRS users the ability to make point-to-point DVC calls to these entities, the Bureaus surely did not intend to condition their VRS service on the reliability of VTCSecure’s platform.¹³

In addition, it is unclear what effect VTCSecure’s gatekeeper function would have on VRS callers’ experience. It would seem that it would increase the amount of time it takes either a DVC user or a VRS user to reach the intended customer service line, having first to go through

¹¹ See VTCSecure Reply Comments, at 15-16; VTCSecure Response to Petition for Reconsideration at 2.

¹² See Report a Fatality or Severe Injury, Occupational Safety and Health Administration, U.S. Department of Labor, <https://www.osha.gov/report.html> (last visited Mar. 16, 2017) (indicating that employers are required to notify OSHA of certain work-related injuries and fatalities within twenty-four hours).

¹³ The Commission noted in the *Waiver Order* that “[t]he comments . . . do not provide any concrete evidence of a security or reliability risk.” *Waiver Order* ¶ 16. The fact that an entity with no VRS obligations would be a gatekeeper to the use of VRS is an unacceptable risk.

VTCSecure's interactive response system. Granting Sorenson's petition for reconsideration and requiring, at a minimum, that VTCSecure assign only unique numbers for its DVC lines would eliminate delays caused by injection of an artificial step that would be otherwise unnecessary.

VTCSecure's proposed option interface also raises issues for VRS providers. It may, for example, interfere with current billing practices. For example, if VTCSecure is the gatekeeper that routes the call to a selected VRS provider, the VRS consumers' IP address and ten-digit number may well be lost. VRS providers rely on this essential information to route calls and to submit their monthly minutes for reimbursement. Without this information, it is unclear how VRS providers will meet their obligations. Moreover, VTCSecure's interface could unfairly influence which VRS provider deaf callers select for their customer service calls. Every VRS user has selected a default provider, but VTCSecure states that rather than routing the call back to the VRS user's default provider, it will present to the consumer a screen listing all VRS providers and require the consumer to select one.¹⁴ The record contains zero information about how the list of providers will be presented. It is entirely conceivable that the order in which VRS providers are listed and the way they are presented to the user could bias calls toward one VRS provider or another. By receiving access to the Database for a limited purpose, VTCSecure should not be in the position to affect the VRS market in this way.

¹⁴ See VTCSecure Response to Petition for Reconsideration at 2.

III. IN THE RULEMAKING PROCEEDING, THE COMMISSION SHOULD CONSIDER APPROPRIATE CONSUMER AND NETWORK PROTECTION REQUIREMENTS

VRS providers have noted in the proceeding below that a rulemaking is necessary to address many of the outstanding issues raised by permitting VTCSecure to access the Directory.¹⁵ One of the most important among these is how to ensure that VTCSecure is required to comply with appropriate obligations. If VTCSecure will be providing communications services to the deaf community—whether as a gatekeeper to VRS or otherwise—its obligations should be clear and well-informed.

For example, it seems unavoidable that in routing calls from deaf callers to their destinations, VTCSecure will see routing and usage information for every VRS provider's customers' calls to VTCSecure's customers' destinations. This is information that even VRS providers will not have. VTCSecure claims that having this information would help organizations, agencies, and businesses better staff their call centers,¹⁶ but that does not answer the question of whether VTCSecure should have it in the first place and whether it is adequately protected.

Ultimately, the Commission must ensure that security and consumer protection rules apply across the board if VTCSecure is to provide communication services to deaf people. This is a difficult and complex undertaking, particularly as this waiver is the Commission's first foray into DVC customer support services. The lack of familiarity with these services and what their

¹⁵ See VRS Provider Comments at 7 (“For example, the Commission needs to consider who will be qualified to provide these services, how the certification process will work, how new numbers will be added into the Numbering Directory, how to ensure interoperability among non-VRS and VRS providers, how the privacy of users and the security of existing systems will be ensured, and what audit rights the Commission will have, among other things.”).

¹⁶ See VTCSecure Response to Petition for Reconsideration at 3.

potential risks are means that the Commission should proceed with care and gather as much information as possible. The appropriate method to handle these issues is through a rulemaking. Sorenson strongly suggests that in the Draft FNPRM tentatively scheduled to be considered at the March 23, 2017 Open Meeting, the Commission expand the questions to seek comment specifically on appropriate security, reliability, and privacy requirements for providers of DVC services.¹⁷ The FNPRM is the perfect opportunity to seek critical technical and public input on the full array of issues relevant to DVC services and how they can be provisioned in a manner that best serves consumers.

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In sum, at a minimum the *Order* should be reconsidered to require that VTCSecure place in the Directory only telephone numbers that are uniquely assigned for DVC services so that VRS calls can proceed as they do today. Sorenson also encourages the Commission to consider all these issues—unique numbering, consumer choice, privacy, security, and reliability—in the Further Notice of Proposed Rulemaking that is currently contemplated for the March Open Meeting.

Respectfully submitted,



John T. Nakahata
Julie A. Veach
Yuxi Tian
HARRIS, WILTSHIRE & GRANNIS LLP
1919 M Street, 8th Floor
Washington, D.C. 20036
(202) 730-1300 | jnakahata@hwglaw.com
Counsel to Sorenson Communications, LLC

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¹⁷ See Draft FNPRM ¶¶ 115-16.

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2017, the foregoing document was served by first-class mail on the following:

Earl W. Comstock
General Counsel
VTCSecure, LLC
1449 Gulf to Bay Blvd.
Clearwater, FL 33755

/s/ Alexandra Tate